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10 and DISABILITY RIGHTS ENFORCEMENT,
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12 *E-FILED - 12/7/05*

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 NICOLE MOSS, an individual; and) **CASE NO. C05-1372 RMW**
16 DISABILITY RIGHTS, ENFORCEMENT,)
17 EDUCATION, SERVICES:HELPING YOU) **STIPULATION OF DISMISSAL AND**
18 HELP OTHERS, a California public benefit) **ORDER THEREON**
19 corporation,)
20 Plaintiffs,)
21 v.)
22 CALLAHAN'S; GERRARD JONES)
23 GERRARD,)
24 Defendant.)
25 _____)

26 The parties, by and through their respective counsel, stipulate to dismissal of this action
27 in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the
28 Settlement Agreement and General Release ("Agreement") herein, each party is to bear its
own costs and attorneys' fees. The parties further consent to and request that the Court retain
jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511
U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of
settlement agreements).

29 Therefore, IT IS HEREBY STIPULATED by and between parties to this action
30 through their designated counsel that the above-captioned action be and hereby is dismissed
31 with prejudice pursuant to Federal Rules of Civil Procedure section 41(a)(1).

This stipulation may be executed in counterparts, all of which together shall constitute one original document.

Dated: November 26, 2005

THOMAS E. FRANKOVICH,
A PROFESSIONAL LAW CORPORATION

Dated: November 22, 2005

LAW OFFICES OF LESLEY HARRIS

By: /s/ Lesley Harris
Lesley B. Harris
Attorneys for Defendant GERRY GERRARD, dba
CALLAHAN'S

ORDER

IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the purpose of enforcing the parties' Settlement Agreement and General Release should such enforcement be necessary.

Dated: 12/7, 2005

/S/ RONALD M. WHYTE
Ronald M. Whyte
UNITED STATES DISTRICT JUDGE